

Mark L. Venardi (SBN 173140)
Kevin Sherman (SBN 316823)
VENARDI ZURADA LLP
1418 Lakeside Drive
Oakland, CA 94612
Telephone: (510) 832-4295
Facsimile: (510) 832-4364
E-MAIL: mvenardi@vefirm.com
E-MAIL: ksherman@vefirm.com

Attorney for Plaintiff
RUSSELL WHITE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RUSSELL WHITE,

Plaintiff,

vs.

**AMAZON.COM, INC.; AMAZON.COM
SERVICES LLC; and DOES 1-30, inclusive,**

Defendants.

Case No.:

**COMPLAINT; DEMAND FOR JURY
TRIAL**

Plaintiff RUSSELL WHITE alleges as follows:

PARTIES

1. Plaintiff Russell White is, and at all times material hereto was, an individual residing in Lafayette, California. Plaintiff is a citizen of the State of California

2. Defendant Amazon.com, Inc. is a Delaware corporation with its principal place of business in Seattle, Washington.

3. Defendant Amazon.com Services LLC is a Delaware limited liability corporation with its principle place of business in Seattle, Washington. The sole member of Amazon.com Services LLC is Amazon.com Sales, Inc., a Delaware corporation with its principle place of business in Seattle, Washington. The sole owner of Amazon.com Sales, Inc. is Defendant

1 Amazon.com, Inc.

2 4. Plaintiff is ignorant of the true names and capacities of Defendants sued herein as
3 “Does 1 through 30, inclusive” and therefore, sues these Defendants by such fictitious names.
4 Plaintiff will amend this Complaint to allege their true names and capacities when ascertained.
5 Plaintiff is informed and believes, and on the basis of such information and belief alleges, that each
6 of the fictitiously named Defendants is responsible in some manner for some or all of the
7 occurrences alleged in this Complaint and that Plaintiff’s damages as herein alleged were
8 proximately caused by such Defendants.

9 5. The liability for Defendants stems from the following: the driver (hereinafter “the
10 Driver”) of the United States Postal Service (hereinafter “USPS”) delivery truck that injured
11 Plaintiff was, at all times mentioned herein, an agent of Defendant Amazon.com, Inc. and
12 Defendant Amazon.com Services LLC (collectively “Amazon”) and was acting within the purpose
13 and scope of said agency. The Driver was, at all times mentioned herein, also the agent and
14 employee of USPS and was acting within the purpose and scope of said agency and employment.

15 6. Furthermore, each of the Defendants and USPS were agents of the other, and in
16 doing the acts herein described and referred to, were acting in the course and scope of their
17 authorities as agents of each other and are equally liable to the damages sustained by Plaintiff.

18 **JURISDICTION AND VENUE**

19
20 7. Jurisdiction is based on 28 *U.S.C.* § 1332(a) on diversity of Plaintiff and Defendants
21 and the fact that Plaintiff’s claim for relief exceeds \$75,000.

22 8. Venue is proper pursuant to 28 *U.S.C.* § 1391 in the Northern District of California
23 because the acts and omissions that are the subject of this action all occurred in the Northern
24 District of California.

25 **INTRADISTRICT ASSIGNMENT**

26 9. The acts and omissions that are the subject of this action occurred in Contra Costa
27 County, California. Pursuant to Civil L.R. 3-2(c), both the San Francisco Division and the Oakland
28 Division are proper for assignment.

FACTS COMMON TO ALL CAUSES OF ACTION

10. On August 5, 2018, at around 10:10 a.m., Plaintiff was riding his bicycle in a bike lane, heading northbound on Danville Blvd. in Alamo, California. In front of Plaintiff was a USPS delivery truck (hereinafter “the Truck”), also heading northbound on Danville Blvd.

11. Without activating the turn signal on the Truck, the Driver attempted to make a right-hand turn and collided with Plaintiff’s bicycle and caused Plaintiff to crash his bicycle. Plaintiff sustained significant injuries as a result of the crash, including but not limited to injuries to his legs, shoulders and hip.

12. The Driver caused the collision by violating *California Vehicle Code* § 22107 for failing to make a turn when safe to do so.

FIRST CAUSE OF ACTION
NEGLIGENCE
(AGAINST ALL DEFENDANTS)

13. Plaintiff re-alleges and incorporate all allegations in paragraphs 1-12.

14. The Driver owed a duty of care to Plaintiff to operate the Truck in a safe and prudent manner as to not injure other drivers, cyclists, or pedestrians. The Driver breached that duty when the Driver failed to activate their turn signal and failed to make a turn only when safe to do so, causing Plaintiff to crash his bicycle. The Driver’s breach of the duty of care to Plaintiff was the actual and proximate cause of the injuries described herein.

15. Amazon and other Defendants are liable to Plaintiff under a theory of vicarious liability. At all relevant times, the Driver was an agent of Amazon and Defendants, as well as an agent and employee of USPS, and was acting within the purpose and scope of said agency and employment. Defendants are vicariously liable for the Driver’s actions as the principal and supervisor over the Driver.

16. Plaintiff suffered personal injury and property damages, including but not limited to past and future medical expenses, pain and suffering, loss of enjoyment of life, and property damage in an amount to be proven at trial.

SECOND CAUSE OF ACTION
NEGLIGENCE PER SE
(AGAINST ALL DEFENDANTS)

17. Plaintiff re-alleges and incorporate all allegations in paragraphs 1-16.

18. The Driver violated *California Vehicle Code* § 22107 as described above.

19. The Driver's violation of *California Vehicle Code* § 22107 caused Plaintiff's injuries as described in this Complaint.

20. Plaintiff's injuries resulted from the kind of occurrence this statute is designed to prevent, and Plaintiff is a member of the class of persons the statute is intended to protect.

21. Amazon and other Defendants are liable to Plaintiff under a theory of vicarious liability. At all relevant times, the Driver was an agent of Amazon and Defendants, as well as an agent and employee of USPS, and was acting within the purpose and scope of said agency and employment. Defendants are vicariously liable for the Driver's actions as the principal and supervisor over the Driver.

22. Plaintiff suffered personal injuries, including but not limited to, past and future medical expenses, pain and suffering, and loss of enjoyment of life, in an amount to be proven at trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for judgment against Defendants, and each of them, as follows:

1. For special damages including but not limited to property damages and past and future medical expenses according to proof;
2. For general damages, including but not limited to pain and suffering and loss of enjoyment of life according to proof;
3. For interest on all sums found to be due and owing, said interest accruing at the legal rate from the date of said incident;
4. For costs of suit herein incurred;
5. For attorneys' fees as allowed by law; and

6. For such other and further relief as the Court may deem just and proper.

Dated: July 28, 2020

VENARDI ZURADA LLP

/s/ Mark L. Venardi

Mark L. Venardi
Attorney for Plaintiff
RUSSELL WHITE

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JURY DEMAND

Plaintiff demands a trial by jury.

Dated: July 28, 2020

VENARDI ZURADA LLP

/s/ Mark L. Venardi

Mark L. Venardi
Attorney for Plaintiff
RUSSELL WHITE